

CHIEF MAGISTRATE JUDGE BRIAN A. TSUCHIDA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN THE MATTER OF THE)	No. MJ20-154
EXTRADITION OF JAROMIR)	
PROKOP.)	
)	DEFENDANT’S RESPONSE TO
)	MEMORANDUM IN SUPPORT OF
)	EXTRADITION
)	
)	
)	

Jaromir Prokop, through his counsel, Assistant Federal Public Defender Mohammad Ali Hamoudi, submits this response to the government’s Memorandum in Support of Extradition (Dkt. No. 18).

This Court must certify to the Secretary of State that Mr. Prokop is extraditable through an order that establish that the following requirements have been met: (1) the judicial officer is authorized to conduct the extradition proceeding; (2) the Court has jurisdiction over the fugitive; (3) the applicable extradition treaty is in full force and effect; (4) the crimes for which surrender is requested are covered by the treaty; and (5) there is sufficient evidence to support a finding of probable cause as to each charge. *Manta v. Chertoff*, 518 F.3d 1134, 1140 (9th Cir. 2008) (internal citations omitted). If these requirements are not met then Mr. Prokop cannot be extradited. This Court can look at the exhibits attached by the government to make such a determination. *See* Dkts. 18-1, 18-2. Once the determination is made, the Court can “certify the extradition

1 of Jaromir Prokop to the Czech Republic on all offenses for which extradition was
2 requested, and commit Prokop to the custody of the United States Marshal pending
3 further decision on extradition and surrender by the Secretary of State pursuant to 18
4 U.S.C. § 3186.” Dkt. 18-3. It is important to note that this process does not speak to
5 infirmity or illegality of the conviction and sentence imposed against Mr. Prokop, in
6 absentia, by the Czech Republic. Stated differently, this process does not deprive Mr.
7 Prokop the right from attacking that conviction and sentence assuming he is ultimately
8 returned to the custody of the Czech Republic.

9 DATED this 30th day of June, 2020.

10 Respectfully submitted,

11 *s/ Mohammad Ali Hamoudi*
12 Assistant Federal Public Defender
13 Attorney for Jaromir Prokop
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